

Battle Creek City Planning Commission

Staff report for the May 25, 2016 meeting

To: Planning Commissioners

From: Glenn Perian, Sr. Planner

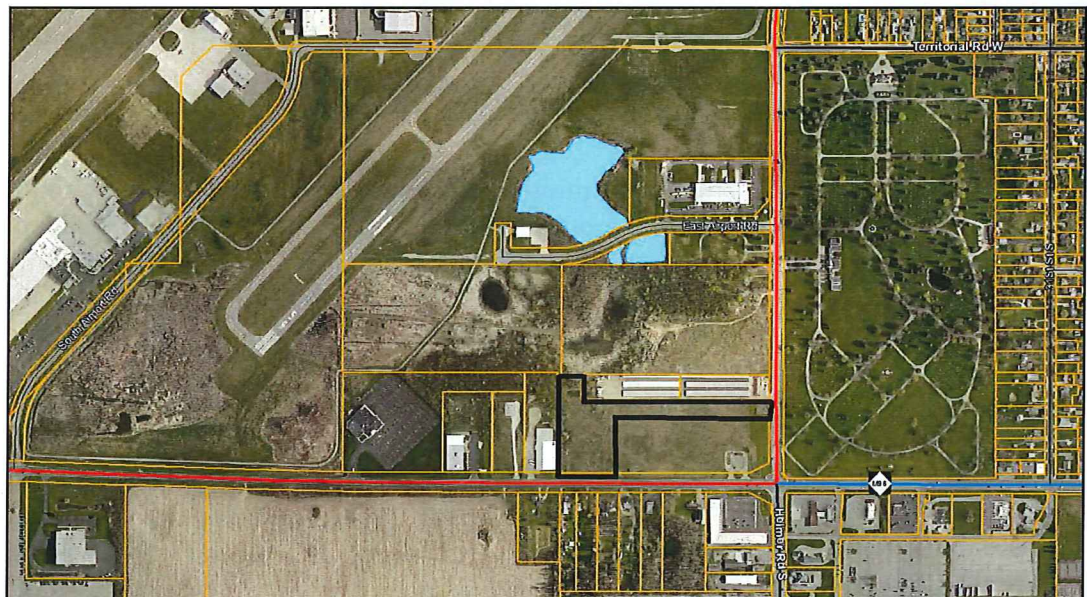
Subject: Petition S-02-16, request for amendment to an existing Special Use Permit for an addition to Attic Storage LLC, 15611 S. Helmer Rd., on parcel ID# 0066-00-115-0.

Summary

Petition from Jim Austin, Attic Storage LLC, requesting an amendment to an existing special use permit at 15611 S. Helmer Road for the addition of future mini-warehouse/storage buildings to Attic Storage and Battery Plus Bulbs as permitted under the Planning and Zoning Code, Chapter 1290, Section 1290.01(b)(21).

Background/Property Information

The subject site consists of a modified L-shaped piece of property just south and west of the existing Attic Storage and Battery Plus Bulb property located on the west side of S. Helmer Road. The subject property will be split off of parcel ID# 0066-00-115-0 and has 85' of frontage on S. Helmer Rd. and 330.89' of frontage on W. Columbia Ave. as shown in Exhibit "A" of the package of material submitted and the aerial below. The parcel is approximately 5.6 acres in size. The existing Attic Storage and Battery Plus Bulb property was approved for a special use permit (Resolution #116) by the City Commission on April 1, 2003 for the construction and use of the mini-warehouse facility.



Subject property

Surrounding Land Uses / Zoning

The subject property is zoned C-3 Intensive Business District. Permitted uses in this district include retail business, motor vehicle sales, repair, and display, second hand stores, and accessory uses and structures. The minimum lot size in this district is 2,900 square feet. There are cemetery uses to the north and east of the subject property and commercial and airport uses to the south and west.

Proposed Scope of Project

The applicant is seeking approval of an amendment to the special use permit that will allow future mini warehouse buildings to be located to the south and southwest of the existing facility. Included in your packet is a conceptual drawing of the proposed location of the future storage buildings, RV storage and future retail buildings. It should be noted that the retail portion of the plan would be considered a permitted use by-right and does not require any additional approvals or special use permit. The applicant has stated the proposed additions would be constructed to match the appearance of the existing Attic Storage buildings.



Existing Attic Storage Battery Plus Bulbs

Applicable Ordinance Provisions

This type of facility is classified as a mini-warehouse development in the zoning ordinance, and are addressed in Chapter 1290 Special Land Uses, specifically 1290.01(b)(21) which allows for “*Mini-warehouse developments on a site of not less than two acres*”. There is no zoning district limitation for this particular special use request, meaning mini-warehouse developments may be located in any zoning district as long as it meets the land area requirement.

Public Hearing and Notice Requirements

As required by the Zoning Enabling Act of 2006, as amended, a public hearing notice was published in the Battle Creek Enquirer on April 25, 2016, and notices of the public hearing were also sent by regular mail on May 2, 2016, to 23 owners and occupants of properties located within 300 feet of the subject parcel. To date, the Planning Department has not received any questions or comments relative to this request.

Neighborhood Outreach

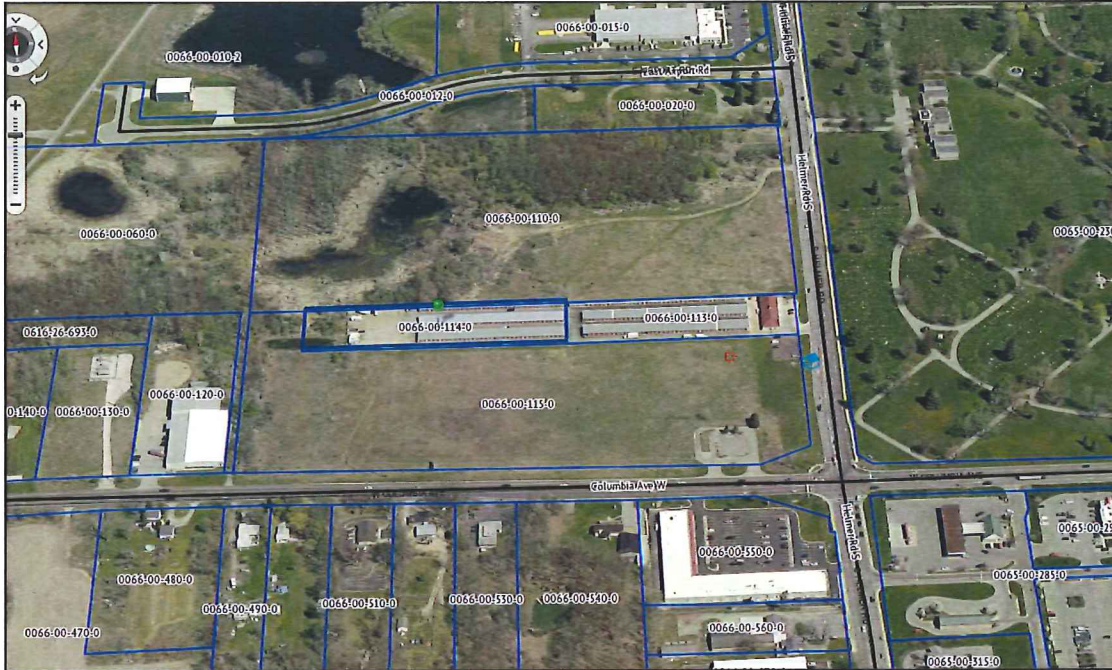
The petitioner presented the potential addition project to NPC #10 at their April 25, 2016, meeting; an approval letter from Chair Jeff Koteles is included in the packet. Additionally, Mr. Jim Austin will attend the May 25, 2016 Planning Commission meeting to talk about the project with the Commission.

Basis For Determination

As a special use, the Planning Commission is charged with reviewing each Special Use Permit request to determine any effects the proposed use would have on the Master Plan as well as on the character and development of the neighborhood. The ordinance and enabling legislation allow the Planning Commission and the City Commission to impose any conditions upon the request that would ensure the general objectives of the zoning ordinance are met and to preserve property values in the neighborhood.

The request shall be reviewed using the following standards listed in Chapter 1290.04 Basis for Determination (for Special Use Permits):

- (a) The use will be harmonious with and in accordance with the general objectives of the Master Plan.
- (b) The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the neighborhood.
- (c) The use will not be hazardous or disturbing to existing or future neighboring uses.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole.
- (e) The use will be adequately served by essential public facilities and services, such as streets, highways, police and fire protection, drainage, refuse disposal and schools, or the persons or agencies responsible for the development shall be able to adequately provide such services.
- (f) The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) The use will not create activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors.
- (h) The use will be consistent with the intent and purpose of this Zoning Code.



existing buildings

Analysis and Recommendation

The sketch plan shows the proposed mini-warehouse facility being developed in a pattern consistent with the original Attic Storage and Battery Plus Bulb development with the retail uses fronting both S. Helmer Rd. and W. Columbia Ave. and the storage buildings located behind the proposed retail buildings. This development pattern appears to work well and the existing warehouse facility has proven to be a compatible use with surrounding neighborhood uses and particularly with the airport, located to the north and west. The buildings are generally low in height, the business generates relatively low traffic, and by nature and necessity the facility is generally well secured.

Staff has reviewed the application and finds that it meets the requirements for submittal and is considered complete. Staff further finds the request consistent with the general standards listed in 1290.04 with the aforementioned conditions, as outlined herein:

(a) The use of this property as a mini-warehouse facility will be harmonious with and in accordance with the general objectives of the City of Battle Creek Master Plan. A vision of the plan (pg. 3-5) holds that an aggressive economic development program aimed at retention, expansion and attraction of business and industry within the city results in a healthy, growing and diversified economy. Furthermore, the project has the potential to create new jobs through retention and expansion of existing employers (4-1) which are objectives of the master plan.

(b) The existing use of the property as a mini-warehouse facility and retail space has proven to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and the additional buildings will not change the essential character of the neighborhood as the surrounding area includes a variety of commercial uses including retail, business, and airport uses. The approval of the special use will allow for the expansion of the facility and will be designed and constructed in accordance with the existing facility, both of which will have been designed to fit in with the character of the general vicinity.

- (c) The use of this property is commercial in nature and will not be hazardous or disturbing to existing or future neighboring uses, which has been demonstrated by the success and compatibility of the existing facility.
- (d) The use will be a substantial improvement to property in the immediate vicinity and to the community as a whole as a valuable service is provided to residents, in close proximity to commercial and institutional properties.
- (e) Helmer Road is classified as a principal arterial and could accommodate additional traffic, though a significant amount of additional traffic is not expected with the proposed addition. Additionally, there is adequate public infrastructure and utilities in place and no additional needs are required for this use.
- (f) There will be no City expenses associated with the maintenance and improvements to the property, and therefore, the use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- (g) There will be no activities, processes, materials, equipment or conditions of operation that will be detrimental to any person, property or the general welfare by reason of an excessive generation of traffic, noise, smoke, fumes, glare, vibrations or odors. Any noise associated with the use will be similar in nature to that which already exists.
- (h) The use will be consistent with the intent and purpose of this Zoning Code in that the facility will be subject to compliance with all relevant sections of the zoning ordinance and codified ordinances, including noise, noxious vegetation, and property maintenance.

Therefore, as the request meets the general standards listed in Chapter 1290.04 as outlined above, planning staff recommends that the Planning Commission recommend to the City Commission approval of Special Use Permit Petition S-02-16 that would allow an expansion to the mini-warehouse facility at 15611 S. Helmer Road with the following conditions:

- 1. All necessary approvals, including site plan review, and any other required permits shall be obtained, and maintained if applicable, including but not limited to the Inspections Department prior to Certificate of Occupancy.**
- 2. Pursuant to Chapter 1232.01 (a), no change in the use or occupancy of land or in the use or occupancy of an existing building shall be made, nor shall any new building be occupied for any purpose, until a certificate of occupancy has been issued by the Zoning Administrator or his or her agent. Such a certificate shall state that the new occupancy complies with Building and Zoning Codes.**
- 3. Pursuant to Chapter 1290.02 (e), certificates of occupancy for special uses shall be valid for a period established by the City Commission or as long as the use is established and maintained in conformity with the plans submitted and approved. Occupancy permits shall expire after one year if the use is not under construction or maintained. For good cause shown and upon written application, the Planning Commission may extend a special use permit for six months.**

The Planning Commission can add additional conditions to those listed above in the staff recommendation. The Planning Commission may also upon deliberation, choose an alternative action from the following alternatives:

- A1: Postpone the project for specific reasons, with agreement from the applicant;
- A2. Articulate revised rationale of the general standards and/or conditions to recommend to the City Commission Approval OR Denial of the subject application.

Attachments

The following information is attached and made part of this Staff report: Special Use Permit Petition Form and Supplemental Information (Petition #S-02-16)



City of Battle Creek

Department of Planning and Community Development

City Hall • 10 N. Division Street, Ste. 117 • Battle Creek, Michigan 49014

Ph (269) 966-3320 • Fax (269) 966-3529 • www.battlecreekmi.gov



SPECIAL USE PERMIT

Application

Petition No. #5-02-16

Date Received: 4-25-16

APPLICANT

NAME: Attic Storage LLC

ADDRESS: 15611 S. Helmer Rd.

PHONE: 517-648-1001

FAX: 269-965-6734

EMAIL: JimA700@Comcast.net

OWNER (if different from applicant)

NAME: Jim Austin

ADDRESS: 120 Brentwood DR.

PHONE: 517-648-1001

FAX: 269-965-6734

EMAIL: JimA700@Comcast.net

****If the applicant is not the property owner, a letter signed by the owner agreeing to the Special Use Permit must be included with the application.**

EXISTING CONDITIONS

Address(es) of property for which the request is being sought: parcel # 0066-00-115-0

W Columbia Ave Battle Creek, MI 49015-8639

Current use of the property: vacant land

List existing structures on the property and the approximate age of each. NONE - we will be

purchasing the "L" shaped property and adding it to our current special use permit
at 15611 S. Helmer Rd. (Attic Storage)

Has property involved ever been the subject of a previous application? If yes, please list each one and the date the request came before the Planning Commission.

NO - will be purchased and
combined to 15611 S. Helmer Rd. (Attic Storage) Attic Storage does have
a special use permit that was approve on 12/18/07.

PROJECT DESCRIPTION

What is the proposed use of the property that warrants the special use permit? Self Storage

Please list all activities that will take place on the property if the special use permit were approved?

Retail store, self storage, truck rental, outside storage - retail - truck Rental is allowed by right within the C3 zone.

How many employees currently work on the property? How many will be added if the special use permit is approved, and what days/times will they be onsite? zero currently / As we add retail

stores and depending on what stores goes in, we could see 5-50 new employees.

Will the approval of the special land use necessitate changes to the property, i.e. building construction, additional parking, driveways, fencing? If yes, please provide a list of property improvements that will be associated with the special use permit. yes - parking lots, retail stores, a driveway ~~of~~ to,

Self Storage buildings, drives between the buildings, lights.

What are the proposed hours of operation for the special use? Please indicate if the special land use will be temporary, seasonal, or long term in nature, providing dates and timeframes if applicable:

hours of operation are unclear on the retail stores (depending on who comes 24 hours).

Current Storage hours are 9am-5:30 (subject to change). This will be long term.

STANDARDS FOR APPROVAL

Chapter 1290 Special Uses and Land Development lists standards that will be reviewed by the Planning Commission and City Commission and the request for special use permit will only be approved if these standards are met. Provide factual and supportive evidence that your application meets each of these standards. Additional sheets may be attached if necessary.

Will the special land use be designed, constructed, maintained, and/or operated in a manner harmonious with the character of adjacent properties and the surrounding area? ☒ Yes ☐ No

It will match Attic Storage current look. Attached are photos of existing Storage units.

Will the special land use change the character of adjacent properties and the surrounding area?

☐ Yes ☒ No

Will the special land use be hazardous to adjacent properties or involve uses, activities, materials or equipment which will be detrimental to the health, safety or welfare of persons or properties?

☐ Yes ☒ No

Will the special land use be a substantial improvement to property in the immediate vicinity and to the community as a whole? ☒ Yes ☐ No

It is vacant land now and once developed it will bring more jobs to the area and more taxes to the city.

Will the special land use place demands on public facilities or services in excess of current capacity?

☐ Yes ☒ No

Will the special land use produce excessive traffic, noise, smoke, fumes, or glare? ☐ Yes ☒ No

SUBMITTAL REQUIREMENTS

Each request requires the following items to be submitted along with the completed application; incomplete applications will not be forwarded to the Planning Commission.

1. Payment of a non-refundable \$600.00 filing fee, made payable to the City of Battle Creek.
2. An affidavit authorizing an applicant to act on behalf of the owner if the petitioner is not the owner.
3. Legal description of subject property and a list of all deed restrictions.
4. Property Site Plan as outlined in "Special Use Permit, Information and Procedures".

APPLICANT SIGNATURE

By signing this application, the applicant hereby declares that all answers given herein are true to the best of their knowledge, and confirms that all information required for submission of a special use permit have been submitted. Furthermore, the applicant confirms that they have thoroughly read "Special Use Permit, Information and Procedures" and agrees to comply with all requirements and procedures for special use permit.


Name

4/22/2016
Date

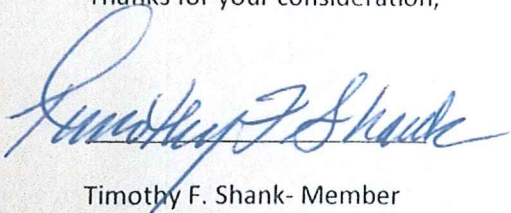
4-25-2016

City of Battle Creek
Department of Planning and Community Development
City Hall
10 N. Division St, Ste., 117
Battle Creek, MI 49014

Dear City of Battle Creek,

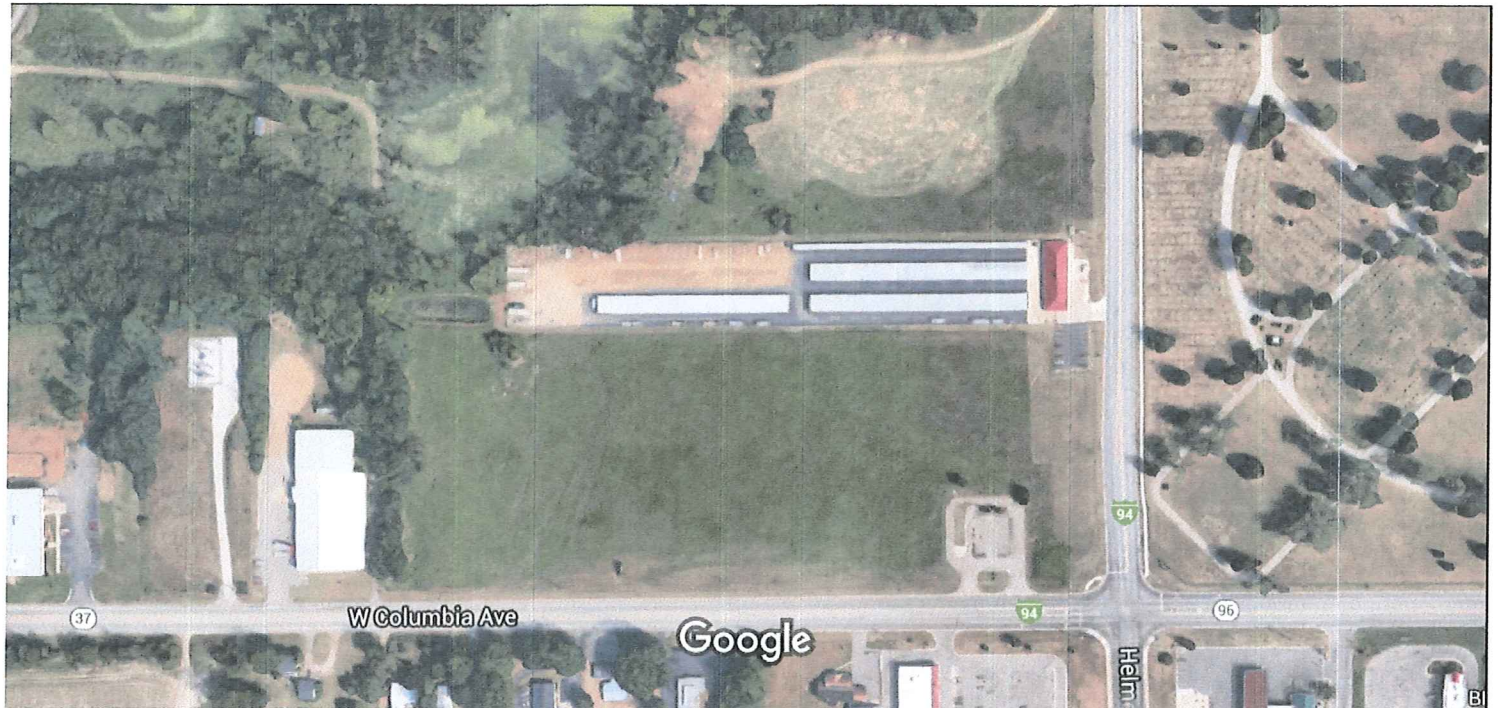
I, Timothy F. Shank (member) of Columbia Helmer LLC (parcel # 0066-00-115-0) give Attic Storage LLC (Jim Austin- President) permission to request a special use permit for the property located at the northwest corner of Helmer Rd. and Columbia Ave. I will be selling off an "L" shaped portion (see exhibit A) to Attic Storage LLC if the special use permit is approved by the city. If you have any question please feel free to reach out to me at 269-352-4554.

Thanks for your consideration,

A handwritten signature in blue ink, appearing to read "Timothy F. Shank", written over a horizontal line.

Timothy F. Shank- Member

Columbia Helmer LLC



Imagery ©2016 Google, Map data ©2016 Google 200 ft

Google Maps



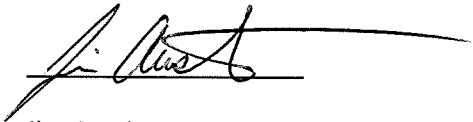
April 25, 2016

Dr. Planning Commission,

This request is to amend the existing special use permit for Attic Storage LLC and Attic Storage II LLC. I have discussed with the office of the city assessor "Jim" that once the property is purchased the city will combine The 2 parcels under Attic Storage, 2 easements and the new purchased parcel into one large parcel. This will reduce much paperwork for the city and streamline the process for all parties involved.

If you have any questions please let me know 517-648-1001.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read "Jim Austin", written over a horizontal line.

Jim Austin

President- Attic Storage

Legal Description (Parcel #0066-00-115-0)

SEC 16 T2S R8W PART OF SE 1/4 OF NE 1/4 BEG E 1/4 POST - N 89 DEG 38 MIN 30 SEC W ALG E & W 1/4 LI 1326.91 FT - N 00 DEG 04 MIN 15 SEC E ALG W LI OF SD SE 1/4 OF NE 1/4 DIST OF 656.04 FT - S 89 DEG 38 MIN 30 SEC E 126.10 FT - S 150 FT - S 89 DEG 38 MIN 30 SEC E 1200 FT - S ALG E LI OF SD SEC 506.04 FT TO POB POB CONT 15.85 AC SUBJ TO HWY EASE FOR HELMER RD & COLUMBIA AVE, SUBJ TO EASES FOR INGRESS, EGRESS, PUBLIC UTILITY & DRAINAGE ((ASSESSED WITH OF 0066-00-110-0 IN 1983 THRU 1993))

Please Note:

The legal description is for the total parcel and only the L section outlined on site plan will be purchased and combined to 15611 S. Helmer Road.

